

AFFIDAVIT IN SUPPORT OF APPLICATION FOR A CRIMINAL COMPLAINT

I, Rachel C. Foss, Task Force Officer (TFO), United States Department of Homeland Security, Immigration and Customs Enforcement, Homeland Security Investigations (HSI), being duly sworn, deposes and states as follows below.

INTRODUCTION

1. I am a federal law enforcement officer within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request a search warrant and make arrests.

2. I am a Task Force Officer (TFO) with the United States Department of Homeland Security (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations (HSI). I have been a TFO since September of 2019 with HSI. Additionally, I have been employed by the City of Virginia Beach as a police officer since August of 2007 and as a police detective since March 2012. As such, I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7). That is, I am an officer of the United States, empowered by law to conduct investigations regarding violations of United States law, to execute warrants issued under the authority of the United States, and to make arrests of the offenses enumerated in, among others, 18 U.S.C. §§ 2252 and 2252A. In the course of my duties, I am responsible for investigating crimes which include, but are not limited to, child exploitation and child pornography.

3. This affidavit is submitted in support of a criminal complaint charging BRETT IAN ANDREWS with attempted coercion and enticement of a minor, in violation of Title 18, United States Code, § 2422(b), and transfer of obscene material to a minor, in violation of Title 18, United States Code, § 1470.

4. The facts in this affidavit come from my personal observations and information obtained from other investigators and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter. Rather, I have included only the facts that are sufficient to establish probable cause for the issuance of a criminal complaint and the issuance of an arrest warrant for BRETT IAN ANDREWS for the above-described criminal violation.

PROBABLE CAUSE

5. The Virginia Beach Police Department is currently conducting an investigation of ANDREWS, who resides in Virginia Beach, Virginia. In August of 2021 the Martin County Sheriff's Office in Stuart, Florida was conducting an undercover chat operation via Kik. Kik is

is a smartphone messenger application that lets users connect with their friends and the world around them through chat. Detective Matthew Killough was the lead investigator. As part of this operation, investigators created an undercover persona, herein referred to as a UC persona or UC, on a social media platform using photos that depicted a fifteen-year-old female.

6. On August 1, 2021, the UC persona received a direct message from a subject with a display name "Justin Rock" and username "Justindoes18". Throughout the entirety of the chats, the subject repeatedly referred to the age of the UC persona, who identified herself as a 15 year-old girl. For example, "Justin Rock" stated, "15 and 53 is crazy but I like you what can I say". The entirety of the chat was screen-recorded by the Martin County Sheriff's Office investigators. Below is a snapshot of one of the chats during August 2021.

Justin Rock: Your really cute I'm Justin 53 Virginia
 UC: Ok m 15 will be 16 in a few months
 Justin Rock: Nice 16 is the youngest I've fucked for real but ive done video and phone with 15 shhh don't tell please.
 Justin Rock: Are you alone can you rub your clit
 UC: I'm not alone
 Justin Rock: 757-319-3293 when you are let's fuck
 Justin Rock: Shh don't tell

The subject then sent an image of an individual exposing their penis and stated: I'm big (UC NAME). During the chat conversation, the suspect refers to children he has had sexual intercourse with, and says that he wants to have sexual intercourse with the UC persona. He also sent multiple videos of people having sexual intercourse and told the UC persona that the females in the videos were under the age of 18. Because of the camera angle, your affiant cannot conclusively determine the age of the females in the videos. Later on, the UC persona asked the subject:

UC: 1 what kinda car do you have 2 what kinda job
 Justin Rock: 2021 Subaru Crosstrek with Tent top
 Justin Rock: Own my own construction business I'm not rich but I do well

7. Detective Faison of Martin County Sheriff's Office in Stuart, Florida, recorded a phone conversation with the number that "Justin Rock" had provided. During this conversation, Detective Faison identified herself as the UC persona; "Justin Rock" continued talking to the UC persona in the same manner as he had on the chat and references having sexual intercourse with her. He also stated that he was masturbating while on the phone with the UC persona.

8. "Justin Rock" also sent messages to the UC persona about friends of a girl that he was talking to. Some are listed below:

UC: Really u tryin to make me jelly
 Justin Rock: No just telling you because I know it's hot

UC: Ok
Justin Rock: I never met any but I did cam with one a few times I got vids of it she just turned 17 I made her cream her first time
Justin Rock: Why it's to much soaking you
Justin Rock: Just go in the bathroom and finger no one will know.
UC: Ok one second
Justin Rock: Cool
Justin Rock: Yes pull your wet panties down and rub that clit for Daddy mmm

9. "Justin Rock" was identified as 53-year-old Brett Ian ANDREWS, who resides in Virginia Beach, Virginia. A subpoena was submitted to T-Mobile for the phone number that the subject provided. The results show the subscriber for the provided phone number is Brett Ian ANDREWS. Furthermore, records show the subject is the owner/president of Caledonia Contractors which is located in Virginia Beach, Virginia. Investigators also obtained records from the Virginia Department of Motor Vehicles; ANDREWS' photograph matched that in selfies sent to the UC persona.

10. On or about August 10, 2021, Detective Killough contacted your affiant to discuss the investigation. On August 10, 2021, your affiant located ANDREWS' vehicle at his residence in Virginia Beach. The description of the vehicle matched the description that he had given the UC persona.

11. On December 1, 2021, your affiant initiated a separate undercover investigation on Kik. Detective Foss located the profile "Justin Rock" on Kik and initiated a direct message using a UC persona of a 14-year-old female child. During the chat, the user "Justin Rock" stated that he had had sexual intercourse with teenage girls before that were 16 and 17 years old, including children of neighbors, whom he said he had intercourse with in his car. He has also asked Detective Foss's UC persona to touch her genital parts and exchange pictures. The suspect also stated that he drives a Subaru SUV. During the chats on Kik, "Justin Rock" has stated that he is scared to meet the UC persona in fear of getting in trouble.

12. Your affiant has conducted physical surveillance at ANDREWS' Virginia Beach residence between August 2021 and December 2021. ^{LEL} ~~ON 12/13/21~~ ANDREWS' vehicle was observed in the driveway of the residence. A Department of Motor Vehicles check revealed that ANDREWS is the registered owner of the vehicle and the address on file is the same.

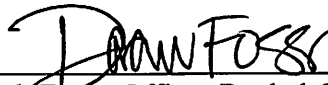
CONCLUSION

13. Based on the information set forth in this affidavit, I submit there is probable cause to believe BRETT IAN ANDREWS has committed the following offenses: on or about August 1, 2021, in the city of Virginia Beach, in the Eastern District of Virginia and elsewhere, 1) using a

facility and means of interstate and foreign commerce, attempted to knowingly persuade, induce, entice, and coerce any individual who has not attained the age of 18 years, to engage in sexual activity for which any person can be charged with a criminal offense, including Va. Code § 18.2-374.3, in violation of Title 18, United States Code, § 2422(b), and 2) using a facility and means of interstate and foreign commerce, attempted to knowingly transfer obscene material to another individual who has not attained the age of 16 years, knowing that such other individual has not attained the age of 16 years, in violation of Title 18, United States Code, § 1470.

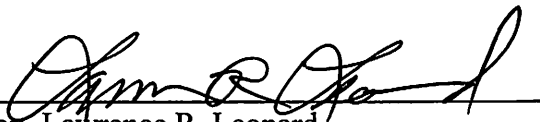
14. Accordingly, I request that a complaint and arrest warrant be issued charging BRETT IAN ANDREWS with such offenses.

Respectfully submitted,



Task Force Officer Rachel C. Foss
Homeland Security Investigations

Sworn and subscribed to before me on
December 13, 2021.



Hon. Lawrence R. Leonard
United States Magistrate Judge